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**VINDEX**

ON THE LIABILITY

OF

**THE ABOLITIONISTS**

TO

**CRIMINAL PUNISHMENT,**

AND ON THE

**DUTY OF THE NON-SLAVE-HOLDING STATES**

TO

**SUPPRESS THEIR EFFORTS.**

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## ADVERTISEMENT.

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*The following pages are given to the public, under an impression of the great good their dissemination is likely to produce among the AMERICAN PEOPLE. The Numbers originally appeared in the "Charleston Courier," over the signature of "VINDEK;" and are thrown into their present shape, by the consent of the Author—a gentleman of high legal attainments—who yielded to the solicitation of friends that deemed them of sufficient importance to occupy a more enduring form than is found in the columns of a Daily Paper. The subjects discussed are such, as have not hitherto occupied the consideration of our brethren of the non-slave-holding States; perhaps for the plain reason, that the issues involved, did not immediately concern them; and the danger arising to Southern Institutions from the efforts of the Abolitionists, seemed to be, only of possible and remote consequence. A crisis, however, has arisen, when it becomes necessary to speak out in vindication of the honour and sovereignty of THE SLAVE-HOLDING STATES, and to WARN those disposed to TAMPER with the rights of property, secured to them by the Federal Constitution, that they may not do so with impunity, nor escape the punishment due to their wickedness, by claiming to be citizens of another State. The principles insisted on are such, as becomes every Southern man to know, and which, if carried into practice, will put at nought the mischievous designs of our enemies: endear the connexion which binds us together as a common family; and render the UNION itself what it ought to be,—A PILLAR OF SAFETY TO ALL THE STATES.*

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## VINDEX, &c.

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### No. 1.

**S**OME persons at the North calling themselves the friends of "free discussion," and who insist on their right (perhaps they mean power) to use the Post-Office of the United States for the circulation of any and all sorts of doctrines and purposes, need to be reminded, it seems to me, of a few things which they have forgotten, or to be informed upon some points which they have wilfully or ignorantly overlooked. The right set up by the abolitionists to disseminate, by mail, in the slave-holding States, their noxious views on the subject of slavery (to call them by no harsher name,) has been insisted on with so much confidence, and defended with so much zeal, as to have induced the countenance of others, who profess themselves unfriendly to their schemes, and entirely opposed to their projects. It has been correctly observed, that in all the slave-holding States, the circulation of papers or pamphlets, calculated to weaken the authority of the master over the slave, or to disturb the relation between them, as it is adjusted by the laws of such States, or in any way to create any disturbance of the public peace in relation to that subject is made a highly criminal offence, in some punishable with death, in others by severe penalties. Now it will not be denied, unless by the wildest fanatic, (one disposed to deny the validity of all existing constitutions, laws, and principles, which stand in his way,) that the internal policy of every independent State or government, is a matter exclusively for its own consideration. This will not be denied of the States which compose this Union. The subject of slavery, therefore, as well as every other connected with its own domestic affairs, is one exclusively within the control of each State *for itself*, with which no foreign power or person, has any right to intermeddle. This was so when the Constitution of the United States was adopted, and this great bond of union, so far from containing any thing favourable to the right of interference of any other State or its citizens with another, on this subject, takes

other way, the prohibited act. The Post Office Department was never intended, in any of its operations or authority, to overrule the acknowledged rights and just powers of the States, nor in its legitimate use can it be perverted to such a purpose. It would otherwise become a *common curse*, rather than a *common blessing*, to those who ordained and gave it vitality and power. So far as the duties of the office of a Post Master are supposed to require, the circulation of seditious pamphlets in this State, it involves a misconception of the true duties of that office, and if the thing were expressly required to be done, the requisition would be void, as contrary to a duty and a law of higher obligation and of controlling authority. The only thing a Post Master, in the case supposed, could deny, would be that of any criminal intent on his part, which seems necessary to constitute the offence. But would that hold? Could he expect to be believed, if he were to assert that he circulated through the community, (perhaps among the slaves themselves,) the most inflammatory and seditious appeals, with a full knowledge of their character and tendency, but without any intent to produce mischief? A man who should throw a lighted torch into your house at midnight, might as well allege that he had no intent to wrap it in flames, or that in setting fire to a train of gunpowder, he had no idea it would explode. There is, therefore, no real conflict of duty in this matter. In this State, the Post Masters, as well as others, are inhibited, under the severest penalties, from giving any circulation to seditious pamphlets or writings. If there were any conflict of duties, what are the penalties of stopping the circulation, compared with those which result from forwarding it? What are the consequences to the community on the one hand and the other? On one side they are light as gossamer, while on the other, they are of the most fearful magnitude, whether you regard the individual or the public. No good man could hesitate a moment in his choice—and it is hoped that by the concurrent action of Southern Post Masters, the baleful poison which is sent for our destruction through this channel, will find our country more impenetrable by the virtue and patriotism of the people, than if surrounded by walls—that thus the seeds of plague and of pestilence, which miscreants would scatter among us, with reckless indifference, may fall *innocuous to the ground, beyond our limits; though even there, it is to be hoped, not beyond the reach of justice.*

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## No. 2.

I WOULD suggest that an application be made by the Executive of this State to the Executive of the State of New-York, for the persons of Tappan and other prominent abolitionists, to be dealt with under our laws. The only question which can arise is, whether they are liable to the criminal justice of this State. I think it may be shewn, upon good authority; that they are amenable to the jurisdiction of our courts of justice. The laws to which I now particularly allude, are the acts of our Legislature of 1820 and 1822. The first enacts, "That if any white person shall be duly convicted of having directly or indirectly circulated, or brought within this State, any written or printed paper, with intent to disturb the peace or security of the same, in relation to the slaves of the people of this State, such persons shall be adjudged guilty of a high misdemeanor, and shall be fined not exceeding one thousand dollars, and imprisoned not exceeding one year." The act of 1822 enacts, "that if any person or persons shall counsel, aid or hire, any slave or slaves, free negroes or persons of colour, to raise a rebellion or insurrection within this State, whether any rebellion or insurrection do actually take place or not, every such person or persons, on conviction thereof, shall be adjudged felons, and suffer death without benefit of clergy."

Now it may be said, that these deluded men are not citizens nor even residents of South-Carolina, and are, therefore, not bound by her criminal laws, and that as long as they are distinguished by their present admirable foresight and courage, and keep out of the limits of this State, they may carry on their diabolical machinations with impunity. This I deny. As long as these men confine their *discussions* to the enlightenment of their own people, (who have no concern with the subject,) they may continue, (if disposed,) to expend their superfluous and spurious philanthropy, without profit, if not without crime. But the moment any citizen of the United States, though living out of South-Carolina, becomes instrumental in the circulation, within the State of any seditious appeals to our slaves, or, in the words of the act, shall "counsel, aid or hire, our slaves to raise a rebellion," provided that counsel is given within the State of South-Carolina, they are, upon the strictest principles of criminal law, liable to the penalties imposed by our laws. Suppose that Arthur Tappan and others, concerned in the printing and circulation of Abolition tracts, can be shown to have sent their papers within the limits of South-Carolina, by mail or otherwise, that act is a publication of them, in this State, as much as though they had brought

them personally into the State, or had preached the doctrines they contain orally to our people. The law of libel furnishes a strong analogy on this subject. If a man in England write a libel in the extremest county, and send it by mail to London, the receipt of it at the post-office in that place is such a publication of it there as to constitute the offence and render it triable at the latter place. So too, if a man in the remotest part of Ireland, should write a libel in that kingdom, and send it by mail to any part of England, the offence would be complete, and he would be liable to be tried in the country where the letter was received. These positions are abundantly sustained by decided cases, and furnish the very principles upon which Tappan and his associates may be demanded for trial, and subjected to the offended justice of South-Carolina. Can it be contended that a man, three feet within the Georgia line, may shoot at and kill a citizen of South-Carolina, and not be amenable to her laws? Which State, in such a case, would have jurisdiction over the offence? Can there be any doubt it would be South-Carolina? I throw out these suggestions for the consideration of others more competent than myself, to examine the subject, and shall be happy to contribute my mite, though it were my all, to assist, protect, and defend the settled and sacred institutions of the country against open violence or insidious fanaticism.

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### No. 3.

At a time like the present, it is not necessary that a citizen of the United States, attached to the institutions, and anxious for the prosperity of his country, should offer any apology for bringing to public view considerations (in his opinion) calculated in no small degree to bring back harmony and peace to our distracted land, to promote the general welfare, and to strengthen and perpetuate the bonds of our hitherto happy Union. It would seem that the very ties by which the several States of this great confederacy are so closely united, the strong and intimate relations by which we are associated together as one people, have in some measure *invited* the mistaken and unadvised schemes of those, whose efforts are spreading around us the elements of discord and confusion, and whose projects threaten to involve in utter ruin and devastation no inconsiderable portion of our common country.

The conduct pursued by the fanatics at the North, in relation to slavery, could hardly have been expected were the States, which now

compose the Union, entirely unconnected and independent of each other. Any attempt, under such circumstances, to interfere with the concerns of one State, by another State, or its citizens, to undermine the security of her institutions, let them be what they may, would be considered a gross violation of the laws of nations, condemned by every principle which should characterize the conduct of one nation and its citizens towards another, and would receive, as it would deserve, the reprobation of every enlightened and reflecting mind.

In the case supposed, it is not too much to say that the attempt would not be made. The right of every independent community to regulate its own domestic concerns, without foreign influence or interference, is too plain a principle to be controverted in theory, and too essential to the security of all governments, to be violated with impunity. It is precisely because we are united in bonds of amity and peace, because we are parts of one great system, joined together for the attainment of social happiness and the preservation of our liberties, that men have been misled to extend the scene of their visionary schemes of philanthropy throughout the whole country, as though there were no such things as several and independent States, entitled to and possessing their own separate government, laws and peculiar institutions as though we constituted in fact but one magnificent and consolidated government, having but one common interest, governed by the same laws, and to be equally and alike affected by the same general influence.

That such views as these involve a total misconception of the theory and character of our system of government, will not be denied, and need not to be argued, and that this fundamental error in regard to our political organization, lies deeply at the root of the schemes and operations, of the abolitionists, and that it has been, and now is, with them, of great influence and aid, must be perfectly evident. That it has further influence in the promotion of their obnoxious schemes, than is generally supposed, I am strongly persuaded; and if it were possible to bring back these misguided men to a just understanding of the nature of our social systems, I doubt not it would go far to circumscribe the scene of their enterprise, if not to moderate their zeal and restore them to the influence of *reason*, of *law*, and of *justice*. I have said that were the States entirely disconnected, and bearing the same relation to each other that subsists among independent and neighboring nations, the attempts now making to disturb, if not destroy, the domestic institutions of the Southern States, would scarcely be thought of; they would require



a hardihood to undertake, a disregard of principle, and a contempt of the rules, which by universal consent, regulate the intercourse and conduct of nations, which are scarcely to be imagined. It may not be improper at this time, as it is not unprofitable, occasionally to refer to old and familiar principles, *petere fontes*, to refresh the mind with the salutary lessons of history and experience, which from their very triteness and universality, seem frequently, and in times of great excitement especially, to be forgotten or overlooked. We were much struck in reading the work of a celebrated writer, with certain passages establishing and illustrating doctrines, which would seem to be unknown or wholly disregarded (for they cannot be controverted), by those so actively engaged in practising upon the fidelity of the slave, and equally by those who, living out of the reach of the danger, seem disposed to countenance, or affect to think lightly of the matter. We will give a few of them, with such comments and application as they seem to suggest, in reference to the present state of affairs. We premise our citations here by a single remark, that the most zealous abolitionist could not desire the enterprise in which he is engaged, to be considered in a more favorable light, "than as one honestly intended to promote the happiness of both master and slave, and to redeem the States in which slavery exists, from a great moral and political evil," and it will be seen that even in this point of view their operations, if not their objects, are equally indefensible. But to our authority. In treating of the duty which nations owe to each other and the spirit of amity and kindness which should be cultivated and diffused in their mutual relations, our writer remarks—"that a nation must not confine itself to the preservation of other States, it should likewise, according to its power and their want of its assistance, contribute likewise, to their perfection."—Vattel, p. 196. "A State is more or less perfect, as it is more or less adapted to obtain the end of civil society, which consists in procuring to its members all things relating to the necessities, conveniences, and enjoyments of life, and to their welfare in general; likewise in providing for the peaceful enjoyment of property, and the safe and easy administration of justice, in fine for defence against any foreign violence. This, every nation should occasionally, and according to its power, contribute, not only that another nation may enjoy these advantages, but likewise render it capable of procuring them itself."—p. 196. "But though a nation be obliged to promote, as far as lies in *its power*, the perfection of others, it is not entitled forcibly to obtrude these good offices on them. Such an attempt would be to violate their natural liberty. To compel any one to receive a kindness, requires au-

*thority over him, and nations are absolutely free and independent."* Ibid, 196. Now it will hardly be contended the abolitionists of the North have manifested no disposition to obtrude what they may consider their good offices, upon the people of the Southern States. It certainly requires no further evidence to show that the people of the slave holding States are disinclined to receive their kind proffers of assistance in the management of their own affairs; their well considered and disinterested advice in matters which they do not understand; such indications have at least been given, as in the common courtesies of life between individuals, (which furnish, by the bye no inapt illustration of what the conduct of nations should be to each other) would make a repetition of the offer a breach of good manners and offensive to all notions of propriety. Suppose my neighbour, having all his own affairs most admirably arranged, (we will not suppose *they* were overlooked or neglected for a moment) should take up an opinion, that some capital error had been committed by me in the foundation of my house, which I had built with every possible care, and at great expense, and after once politely expressing his views ~~on~~ on the subject, should not only, day after day, annoy me with repeated cautions of my insecurity, but should disturb my family, and frighten my servants, with constant repetitions of his apprehensions, and should obtrude his ominous croakings at morn, noon, and night by the fire side, and in the chamber, would this be considered neighbourly conduct? Would I not be justified in swearing the peace against him, or in defending myself from his aggressions by any means in my power? I have heard of a poor man's being repeatedly called up at night out of his warm bed, by false alarms of fire, for the amusement of some mischievous boy; but I heard too that the poor man's patience became exhausted, and that the last reception he gave his *officious friend* was such as to disqualify him for further offence.

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#### No. 4.

I find in the book to which I have previously referred, the following passages:—

"It is impossible that nations should mutually discharge all these several duties, if they do not love each other. This is the pure source from which the offices of humanity should proceed: they will preserve the character and perfection of it. These nations will be seen sincerely and cordially to help each other, earnestly to promote the common welfare, and cultivate peace without jealousy or distrust. A real friendship

will be seen to reign among them, and this happy state consists in a mutual affection. Every nation is obliged to cultivate the friendship of others, carefully avoiding whatsoever might kindle enmity. To this, present and direct interest, often invites wise and prudent nations: a more noble interest, more general and less direct, is too rarely the motive of politicians."

"But though the duties of a nation towards itself, set bounds to the obligation of performing the offices of humanity, they cannot in the least affect the prohibition of doing any injury to others, of causing them any unjust detriment. To hurt, to offend, to do injury, to cause damage, are not precisely of the same import. To hurt any one, is in general to augment the imperfection of himself, or that of his condition—to render his person or condition more imperfect. If every man is obliged, even by his very nature, to assist in the perfection of others, he is much more forbid to increase their imperfection, and that of their State. The same duties are incumbent on nations, none of them is to commit any actions tending to impair the perfection of others and that of their condition, or to impede their progress."

"This general principle prohibits all nations *every evil practice, tending to create disturbance in another State, to foment discord or corrupt its citizens, to alienate its allies, to raise enemies, to sully its reputation, and deprive it of its natural advantages.*"

"Nothing is more opposite to the duties of humanity, nor more contrary to the society which should be cultivated by nations, than offences or actions which give a just displeasure to others."

"As express promises and engagements should be inviolable, every wise and virtuous nation will be careful, previously, to examine and weigh a treaty of commerce, before the concluding, that it may not thereby be engaged to any thing contrary to the duties it owes itself and others."

"Nature has established a perfect equality of rights between independent nations. Consequently, none can pretend to prerogative; their right to freedom and sovereignty renders them equals."

"It is a manifest consequence of the liberty and independence of nations, that all have a right to be governed as they think proper, and that none have the least authority to interfere in the government of another State. Of all the rights that can belong to a nation, sovereignty is, doubtless, the most precious, and that which others ought the most scrupulously to respect, if they would not do it an injury."

"After having established this truth, that foreign nations have no right to intrude themselves into the government of an independent State, it is not difficult to prove that this State has a right of refusing to suffer it. To govern itself according to its pleasure, is a necessary part of its independence."

"An independent people is, with respect to their religion, accountable to none but God; they have a right to conduct themselves, in this respect, as in all others, according to the light of conscience, and not to suffer any foreigner to interfere in an affair of so delicate a nature."

"All nations are then strictly obliged to cultivate justice with respect to each other, to observe it scrupulously, and carefully to abstain from every thing that may violate it. Every one ought to render to others what belongs to them, to respect their rights, and to leave them in the peaceable enjoyment of them. From this indispensable obligation, which nature imposes on nations, as well as on all those who are bound to practice it towards each other, results the right of every State not to suffer any of its privileges to be taken away, or any thing which lawfully belongs to it; for in opposing this, it acts in conformity to all its duties, and therein consists the right. This right is perfect, that is accompanied with the right of using force to make it observed. From whence arises, as from so many branches, first, a right of a just defence, which belongs



to every nation, or the right of using force against whoever attacks it, and its privileges. This is the foundation of a defensive war. Secondly, the right to obtain justice by force, if we cannot obtain it otherwise, or to pursue our right by force of arms. This is the foundation of an offensive war."

"Whoever offends the State, injures its rights, disturbs its tranquillity or does it a prejudice in any manner whatsoever, declares himself its enemy, and puts himself in a situation to be justly punished for it. Whoever uses a citizen *ill*, indirectly offends the State which ought to protect this citizen; and his sovereign should revenge the injuries, punish the aggressor, and if possible, oblige him to make entire satisfaction. But, on the other hand, the nation or the sovereign ought not to suffer the citizens to do an injury to the subjects of another State, much less to offend the State itself; and that, not only because no sovereign ought to permit those who are under his command, to violate the precepts of the law of nature, which forbids all injuries; but also, because nations ought mutually to respect each other, to abstain from all offences, from all abuse, from all injury, and in a word, from every thing that may be of prejudice to others, if a sovereign, who might keep his subjects within the rules of justice and peace, suffers them to injure a foreign nation, either in its body or its members, he does no less an injury to that nation than if he injured them himself. In short, the safety of the State, and that of human society, requires this attention from every sovereign. If you let loose the reigns of your subjects against foreign nations, these will behave in the same manner to you; and instead of that friendly intercourse which nature has established between all men, we should see nothing but one nation robbing another."

"But if a nation or its leaders approve and ratify the fact committed by a citizen, it makes the act its own, the offence ought then to be attributed to the nation, as the author of the true injury of which the citizen is perhaps only the instrument. If the offended State keeps the guilty in his power, he may, without difficulty, punish him, and oblige him to make satisfaction. If the guilty escape, and returns into his own country, justice may be demanded from his sovereign; and since this last ought not to suffer his subjects to molest the subjects of others, or to do them an injury, much less should he permit them audaciously to offend foreign powers; he ought to oblige the guilty to repair the damage, if that be possible, to inflict on him an exemplary punishment; or in short, according to the nature of the case, and the circumstances attending it, to deliver him up to the offended State, there to receive justice. This is pretty generally observed with respect to great crimes, or such as are equally contrary to the laws, and the safety of all nations, assassins, incendiaries, and robbers, are seized every where at the desire of the sovereign of the place where the crime was committed, and delivered up to his justice."

"The sovereign who refuses to cause a reparation to be made of the damage caused by his subject, or to punish the guilty, or in short, to deliver him up, renders himself in some measure an accomplice in the injury, and becomes responsible for it.—*Vattel's Law of Nations*—pp. 97, 108, 201, 202, 205, 209, 215, 217, 221, 222, 224.

In the face of these plain principles of justice, no less distinguished for practical wisdom and enlarged philanthropy, than their conformity to the spirit and genius of christianity, acknowledged among all civilized communities, what defence can be made for those who, with a reckless indifference to consequences; from an intemperate zeal, and the most partial and mistaken views, have

been, and are even now, so *actively engaged* in disturbing the peace of other communities ; in open attacks, and more insidious operations, upon the domestic policy of other States ? Are the positions laid down by our author, the mere visionary speculations of a dreaming philosopher, overanxious perhaps for the improvement of human society, or are they, as they are represented, the Laws of Nations, founded upon natural justice and eternal truth, necessary not only to the prosperity, but to the very existence of government ? The application of these rules to the schemes and efforts of the Abolitionists, and those who countenance them, shew how far they have been led on, step by step, from the path of duty. How many and what sacred principles, established by common consent for the protection of society, they have violated, and what just responsibility they have incurred upon those principles, for the mischief they have already perpetrated, and the more awful consequences that may result from their doings. In view of all this, we would ask them to pause and reflect, ere it is too late, and we address ourselves especially to those who, not yet inaccessible to the voice of reason, nor insensible to the claims of justice—may listen to our appeal, to consider well these things, and the end thereof, which is death. To such, we would put a few plain questions, even without undertaking to shew which (we think) we can easily do, how much mistaken their views upon the subject of slavery are, and we would ask an answer to them in the same spirit of candor and fairness in which they are put.

Is not every independent nation or community entitled to govern itself by its own laws ?

Has any other community, or have the citizens of other States any right to interfere in the regulation of its affairs ?

Are not the States of this Union, in all matters of mere domestic or internal arrangement, sovereign and independent of each other, and of all other governments, powers and individuals ?

Were there no Constitution or Government of the United States, or in other words, were the States entirely separate, would any State or its citizens, upon the principles of justice, or the laws of nations, have any right to intermeddle with the institutions or domestic policy of another, and especially upon so delicate a subject as slavery ?

Has the Constitution of the United States expressly or impliedly given such a right to the General Government, or to the States, or does such right result to the States from their Union for purposes of common utility and benefit ?

On the contrary, was not the Union based upon the *existence of slavery*, and does not the Constitution expressly recognize it, and guarantee its inviolability? Is it not a fraud upon those States, who entered into the Union upon the faith of this guarantee, to tamper with, or in any way to weaken, the authority, or interfere with the rights of the master?

Are not the present efforts of the abolitionists immediately directed to this purpose, and calculated to produce this effect?

We believe that no man, having the least pretensions to candor, can hesitate to answer these plain questions, in such a manner as will shew, that in the efforts now making, the abolitionists are trampling upon the most obvious and acknowledged principles of justice, the fundamental laws of society, and the most sacred provisions of the Constitution; endangering the permanency of our glorious Union, and weakening the last bright hope of regulated liberty, and popular government, on earth.



#### No. 5.

We have seen that in matters of religion “an independent people is accountable to none but God; that they have a right to conduct themselves in this respect, as in all others, according to the light of conscience, and not to suffer any foreigner to interfere in an affair of so delicate a nature.” This principle of the law of nations is not understood to forbid an effort, by mild and lawful means, to persuade a nation to receive a religion that is believed to be the only one that is true and salutary; but it clearly prohibits the use of force, or the employment of measures which might endanger the frame of government or the harmony of society. If a nation should determine that the doctrines of a particular faith are inconsistent with its safety, no one can doubt that it would have an unquestionable right to reject them, and to punish such as should attempt to introduce them contrary to its will. After its solemn determination was announced, those, who, in defiance of the rightful authority of the country, should be found arrayed and combining together to resist it, would, if detected in their enterprise, and punished for their temerity, be entitled to but little sympathy. If a nation were about to establish by law, some particular form of religious worship, it might very well tolerate, if not receive with gratitude, any suggestions from other States, or their citizens, calculated to enlighten its judgment; but it would be a very different thing, after the matter was settled by law,

and the **whole** frame of civil society built up on this foundation, for other States or their citizens, to undertake, by systematic operations, to produce disaffection and distrust, or to array upon this subject one class of people against another. The case of a State having an established religion running through all the arrangements of society, and in that way intimately connected, if not identified, with the existence and security of the government, is in a very different situation, in respect to this subject, from one which has no established faith by the laws of the land, but has left the matter to individual conscience and opinion. In the former case, we may well conceive the danger which would result from the toleration of any foreign influence or interference, adverse to the prevailing and established faith, while in the latter, it not being prescribed by the laws of the country, nor having any direct or necessary connexion with the frame of government, the freedom of discussion might well permit argument, advice, and appeals to the citizens individually, or at large, from any and every quarter, without alarm. As far as the influence of foreign States or citizens can be considered as in any sense justly permissible on the subject of religion, does not a manifest distinction occur, as to the mode of operation in the two cases above supposed. In the State, in which we have supposed a religious faith to have been established by law, and made the very foundation of the government, giving form and fashion to its institutions, are not all appeals from abroad to mere individual citizens on this subject, a direct attempt to seduce them from their allegiance, to corrupt their integrity, and a manifest interference with the rights of government? In such a case is not an appeal to the constituted authorities of the State, or to the legislative power especially, the only mode consistent with honor and the laws of nations? When, in the other case, where the subject has not been regulated by the laws of the society, but every citizen left free to consult his own conscience and judgment in the matter, addresses and arguments from the citizens of other States might be legitimately made to the individual citizens? The same reasoning applies, perhaps, in a stronger degree, to the institution of slavery. In the slave-holding States it has been thought inconsistent with the safety of society, that a certain class of people should ~~not~~ enjoy the rights and privileges of freemen, and they have been subjected by law to the conditions of an inferior order of society. Such liberty and indulgences have been conceded to them by the laws, as have been considered compatible with the public safety. Such of the advantages of society have been extended to this class of inhabitants, as in the judgment of those best qualified, and alone

authorized to determine that matter, their character, habits and condition, qualify them to receive and enjoy. What right then, has the citizen of any other State or Nation, to disturb in any way, this fundamental arrangement? Will it be said that the effort is only made by addressing the consciences of individuals, to produce a change of opinion and feeling on this subject among individual citizens? If it were a matter depending upon individual opinion alone, about which the laws of the country were indifferent, unconnected with the polity and government of the States, the addresses of the abolitionists might be considered perhaps less impertinent, though not the less false in statement, nor less visionary in design. But is it so? Slavery is upheld and established by law. It enters into the formation of our society as a necessary ingredient. It is a matter of government. In the deliberate conviction of the Southern States, the system is essential to their prosperity, if not their very existence. That it is not less indispensable to the prosperity of the Union, the most intelligent and reflecting readily admit. In some of the States, perhaps in most, if not all, a citizen cannot, if he would, emancipate his slaves. It is contrary to the policy of the country, and contrary to express law. The public discussion of the propriety or policy of abolishing slavery, is necessarily in the slave-holding States, as among mere individuals, a proscribed subject. All addresses, papers and pamphlets, calculated to create dissention or disturbance in relation to this matter, are inhibited under the severest penalties. Are the abolitionists aware that the willing receipt of their pamphlets in some of the States, with a knowledge and approval of their tendency, is the highest offence a citizen can commit? Are they aware that in sending them, they are not only morally, but legally guilty of the offence, and liable to punishment? Do they suppose that because they do not come into our territories and proclaim their doctrines, they are guiltless of infringing our laws? Have they yet to learn, that what a man does by his agent, he is considered as doing himself, and is equally responsible in one case as the other? There is a law of this State which forbids, under a severe penalty, the bringing into circulation within it, any paper or pamphlet calculated to create disturbances among the slaves. Is not that man guilty of a violation of the law, who puts such a pamphlet in the Mail for the purpose of being brought within this State? Is the mail carrier any thing but his agent in the execution of this purpose, especially as he is almost necessarily innocent of any knowledge of that purpose? Are not studied arguments to show the illegality of Slavery, and eloquent (though false) statements and opinions of the



cruelty of the system, eminently calculated to produce disturbance if not rebellion ! It is not true that the character of a transaction is to be judged of and derived from the laws of the State or country where it takes place, exclusively, and without reference to the laws of any other country. It is true only when the transaction is to have effect in the State or country where it takes place, but if it is intended to operate in another country, it then derives its character and consequences from the laws of the latter. This is a familiar principle in the law of contracts, and is, perhaps, equally applicable to crimes. If a man enters into a contract in one State to be performed in another, it is to be interpreted by the laws of the latter, and has attached to it the same principles of construction as if made there. As there are *ex vi termini*, (or should be at least,) no Slaves in the non-Slave-holding States, it will not be denied that all the discussions on the subject of Slavery, the numerous societies and combinations, the addresses and lectures, the contributions and the unceasing productions of the Abolition press, are got up for effect, not upon communities where Slavery does not exist, but upon those States where it does exist. All this is thought to be perfectly lawful, because in the States where Slavery does not exist, no right of property is questioned or involved in these proceedings—no disturbance of the public peace hazarded—the very frame of society and the security of the government are equally unaffected—no express statutes are violated—and therefore, because the communities in which these agitators live and move, are not directly concerned in the consequences of their doctrines, they go on, and worst of all *are suffered to go on*, with a total disregard to the interests of others, thinking themselves, and thought by those who look on, not only innocent of crime, but patriots and philanthropists. They should know that the just estimate of their conduct, is not to be formed from their supposed innocence of violating the laws of the country, where they may be permitted to concoct their enterprises, but that it must be founded upon the consistency of their plans with the laws of the country where they intend them to operate. Smuggling goods into Great Britain, is no offence against the laws of the United States, but would not every honorable mind shrink from the perpetration of such an act, (though perhaps not satisfied with the fairness of the duty imposed) and owing no obedience as a citizen to its laws ? Is there not something particularly degrading in the very conception, of men, capable of hurling, as it were, from a place of personal security, upon their unoffending fellow-citizens, firebrands, arrows and death ? Let them not, however, lay with too much

confidence, that flattering unction to their souls. Their day of retribution comes apace. They have assumed a fearful responsibility, the extent of which cannot now be seen, and the day may come when they will no longer glory in their shame. But as there are men who are not to be deterred from their purposes, by any representation of the disastrous consequences which may result to others from them, and although insensible to the just indignation of an incensed people, are sometimes stayed by some little prospect of mere personal responsibility or inconvenience, let us see if they are so wholly exempt from liability to criminal accusation and punishment, as they believe themselves to be? First, as to their liability to punishment under our laws. If a man were to send a letter from the State of New-York, to an individual in Charleston, containing some etherial and impalpable poison, for the purpose of his destruction and should effect it, would not an offence be committed against our laws, though the mere act of *adjusting* the letter in New-York, might not be punishable there? Another case, has been put in illustration of the same view, by yourselves, more strikingly in point. Suppose a man, just on the other side of the Georgia line, and within the limits of that State, should level his rifle at a citizen of South-Carolina, and kill him, the latter being at the time within the limits of this State, would he not be amenable to our laws? Would he not be equally amenable, though the act were not punishable by the laws of Georgia? But I think it has already been elsewhere demonstrated (by none, certainly, with more ability nor earlier than yourselves,) that in sending these seditious papers into the slaveholding States, the abolitionists, or such of them as have been concerned in that business, have made themselves amenable to the violated laws of those States, and are demandable under the Laws of Nations, if not under the express provisions of the Constitution of the United States, as fugitives from justice. The passages already referred to in our second number from VATTTEL, if recurred to, will shew that under the Law of Nations, these men are demandable as criminals, and that the Government, whose citizens, they are, cannot refuse to surrender them, consistently with that law. In order to test the liability of these reckless men to punishment under our laws, and our right to demand them as fugitives from justice, it may be proper to point out the mode of proceeding under the Constitution of the United States, and the Act of Congress relating to this subject. The Constitution of the United States, Art. 4, Sec. 1, is as follows: "A person *charged* in any State with treason, felony, or other crime, who shall flee from justice, and be found in another

State, shall, on demand of the Executive authority, of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime."

The act of Congress of 1793, contains various provisions to carry into effect this article of the Constitution, and regulates the mode of proceeding in such cases. It will not be necessary to give it at length, but simply to state its effect. There are two modes of proceeding established by the Act of Congress, by which to get possession of fugitives from justice in other States, for trial where the offence was committed. The first method, is for some person by affidavit to charge TAPPAN, or any one of his co-adjutors, (who to the knowledge of the deponent may have been concerned in sending into, or circulating within this State, any abolition pamphlet,) with the offence, and then to forward such affidavit to the Governor of this State, with a request that he will demand the person of the individual charged, from the Executive of the State where he may be as a *fugitive from justice*. It will then be the duty of our Executive, if he should think the case within the Constitutional provision, to make such demand, and the Executive of the State upon whom such demand should be made, would be bound to deliver him up for trial.

The other mode of proceeding under the Act, and as one of greater solemnity to be preferred on that account, is to submit a Bill of Indictment, against any individual who may be known to have sent these missiles into the State. This Bill may be preferred before the Grand Jury of any District in the State, into which it may be proved these papers have been sent. Upon such proof, the Grand Jury would be obliged to find a Bill of Indictment, and upon presenting a certified copy of such Bill to the Governor, it would be his duty to make the demand, as already stated. I would suggest, that as many of these documents have been sent to Charleston by Mail, that it is the duty of such citizens as have received them, to hand them over to the Attorney-General of the State, accompanied with such evidence as they, or any others, may be able to give, as to the agency of any particular individuals at the North, in sending them here, whether derived from hand writing, or connexion with the Abolition Societies from which they emanate. As the Court of Sessions for this District is near at hand, it may be well for the active and patriotic citizens of Charleston to see to this matter, and it is not to be doubted that our able and efficient Attorney-General will give all the aid on this subject, that its importance to the community would seem to demand. In the views I have as yet



oken, I have endeavoured to point out the liability of the abolitionists to punishment under our laws, and the mode of proceeding under the Constitution of the United States, to subject them to trial in the States, where they have disseminated their poison. In my next, I will undertake to shew, and chiefly from the principles and authorities already referred to, that it is the duty of the non-slave-holding States, to punish *by existing laws*, if sufficient for that purpose, these disturbers of the public peace ; and *by additional legislation*, if necessary, to reduce the unbridled licentiousness of these audacious men, within the sober bounds of regulated liberty, to *some* observance of the rights of others, and to prevent the inevitable ruin which must otherwise result from their unchecked machinations.

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#### No. 6.

We promised in our last, that we would undertake to show how far the abolitionists are liable to punishment under the existing laws of the States, where their enterprises are concocted, and from whence their inflammatory appeals are issued ; how far it is the duty of those States, upon the acknowledged principles of the laws of nations, and peculiarly as members of the Union, to punish these disturbers of the peace and harmony of our Confederacy ; and we assumed, that if the existing laws should be found insufficient to cure the evil, that they are bound to adopt such a course of legislation as shall effect the object. The author to which we have already referred, after giving at some length the rules which should govern the intercourse of nations, furnishes in the subjoined passage, a short summary of the application and effect of the doctrines for which he contends.

“This general principle of the law of nations, prohibits all nations, every evil practice, tending to create disturbance in another State, to foment discord or corrupt its citizens, to alienate its allies, to raise enemies, to sully its reputation, and to deprive it of its natural advantages.”—*Vattel*, p. 502.

Now take the case of two neighbouring independent nations, totally unconnected with each other, and bound only by those common principles of justice which we have seen to be recognized in the law of nations, as establishing the rules of intercourse between them ; let us suppose one of them to have adopted slavery by law, as a foundation of its social system, and the other to have rejected it. Each State (as we have seen) is equally competent to its own government, and neither has a right to interfere in the domestic policy of the other. Would it be consistent with the law of nations, and

this just equality and independence, for the non-slave-holding State, not by the mere speculations of an occasional writer, the theories of the closet, but by public meetings, by regular and systematic combinations of its citizens, by the teeming and incessant productions of the press, to bring into question, and discuss the legality of the institutions of its neighbour, to get up societies for the express purpose of effecting a change in its internal arrangements, to traduce and vilify its laws, to calumniate those who support the institutions under which they live, as monsters and savages, and by inculcating the invalidity of the system, to seduce its citizens from their just allegiance to the laws of the society, and to endanger the lives and property of all who live, or may be found in its bosom ?

Have not all these things (and they are not stated as strongly as the truth would warrant) a direct tendency, in the language of our author, to create disturbance in another State, to foment discord, to corrupt its citizens, to raise enemies, to sully its reputation, and to deprive it of its natural advantages ? Have they a tendency only to produce these results, or are they necessarily, to the extent to which they can be made to operate by the actors in these matters, intentionally productive of these effects ? Have they not already produced some of the bitter fruits, the tendency to do which has placed such doings under the ban of justice, and the condemnation of the enlightened rules and principles of the laws of nations ?

But if such conduct is inconsistent with the duties, which independent nations owe to each other, how would the injustice and perfidy of it be aggravated, if we were to suppose that these two nations, with a view to their protection against a common enemy, had entered into a solemn compact of union for their common defence and general welfare, and that each, in entering into this compact, had expressly reserved to itself, and guaranted to the other, the exclusive regulation of its own domestic affairs ? What term could be found severe enough to characterize the conduct of a State under such an agreement, whom we should see violating this fundamental provision, and by illegal interferences in the internal concerns of its co-member and Confederate, disturbing and destroying the common harmony and peace, the great objects of their association ?

The abolitionists, in their recent manifesto, have attempted to sustain themselves upon their supposed right, freely to discuss all topics, without limitation, which right they claim as an inheritance from their fathers, and which they mean to hand down (they say) unimpaired to their children. The fathers of these worthy gentlemen, never having possessed an estate so large and unlimited as

their children now claim for themselves, could of course never have transmitted the inheritance of which they speak. Unless the character of the estate which TAPPAN and his associates claim to have inherited from their fathers, differs essentially from the inheritance of every other American citizen, some of the old land marks must be removed, liberty must degenerate into licentiousness, and the sober principles of good order and government be superseded by anarchy and confusion.

I presume no greater latitude will be claimed for the indulgence of speech, or the freedom of the press, than is conceded to the enjoyment of other personal rights, equally dear, and equally the results of natural liberty. A man, having a large plantation in the country, and no near neighbours about him, might very properly and rightfully set up a manufactory of varnish or hartshorn, but he would scarcely be permitted to set up such an establishment in a populous city, to the annoyance of a whole neighbourhood. Here the general right to use one's property as he pleases, is necessarily so far limited, that in that use he shall not offend or impair the rights of others. Are not the tongue, the pen and the press subject to the same restriction? When neighbouring nations have entered into a compact of government, for certain general purposes, being dissimilar in laws, policy and institutions, and it is understood and agreed that each member of the Confederacy shall retain its entire power and exclusive control over its own institutions and municipal government, is not the right of any and every party to that compact, to discuss the propriety or legality of the institutions of its Confederates (if it be supposed to have existed previous to the association) necessarily surrendered by the very fact, to say nothing of the express terms of the Confederation? Let us suppose that several individuals, some of them having none but slaves trained to a sea-faring life, the others employing none but free labour, should enter into a commercial enterprise, and should each agree to furnish ships and prosecute voyages on joint account, for their common profit—let us suppose that the dependence of the parties we have named, upon slaves, for the navigation of their ships, was not only a fact well known to the other parties to the agreement, but that in the articles of co-partnership, the employment of these slaves in the contemplated enterprise, was expressly recognised, and the exclusive control over them guaranteed to the owners, would it be consistent with honor, with justice or good faith, if the co-partners in the case supposed, depending upon free labour, should endeavor to weaken the authority of the owners over their slaves, to discuss incessantly the

illegality of the system, and to deprive those who relied upon them, of the powers and means of fulfilling their obligations? Would not such efforts be considered as a plain violation of the fundamental principles of the association, and if continued, justify a dissolution of the concern?

But let us inquire what the duty of a nation requires of it, in relation to its own citizens, when they are guilty of inflicting any injury upon another State, or its citizens, contrary to the law of nations—and here we refer again to our authority:

“But on the other hand, the nation or the sovereign ought not to suffer the citizens to do an injury to the citizens of another State, much less to offend the State itself. And that not only because no sovereign ought to permit those who are under his command to violate the precepts of the law of nations, which forbids all injuries, but also because nations ought mutually to respect each other, to abstain from all offence, from all abuse, from all injury, and, in a word, from every thing which may be of prejudice to others. If a sovereign, who might keep his subjects within the rules of justice and peace, suffers them to injure a foreign nation, either in its body or its members, he does no less an injury to that nation, than if he injured them himself. If the offended State keeps the guilty in his power, he may, without difficulty, punish him and oblige him to make satisfaction. If the guilty escapes and returns into his own country, justice may be demanded from his sovereign, and since this last ought not to suffer his subjects to molest the subjects of others, or do them an injury, much less should he permit them audaciously to offend foreign powers; he ought to oblige the guilty to repair the damage, if that be possible—to inflict on him an exemplary punishment, or, in short, according to the nature of the case and the circumstances attending it, to deliver him up to the offended State, there to receive justice.—*Vattel's Law of Nations*, pp. 222-223.

The principles here laid down seem to cover the whole case, and imperiously to require from the non-slave-holding States, an exemplary punishment of these mischievous men, for their past offences, and that they should be in future restrained, by the sovereign power of those States, from the perpetration of further injury. Will it be inquired what present existing laws of the States where they live, the abolitionists have violated? I answer, the same laws which punish the publication of all papers, which have a tendency to disturb the public peace. This is a well settled and conceded principle of law in all the States of this Union, derived from that great fountain of wisdom, the common law of England, and which has been made, from time immemorial, to restrain within the limits necessary to the peace of society, the right of discussion. Will it be said that this principle only applies to prevent breaches of the public peace of a particular State, by reflections upon the government or the citizens of that State? We can shew most clearly that the principle is not so limited, but that it extends to publications calculated to disturb the amicable relations of a State with Foreign Po-



reign Powers. A short chapter is devoted, by a writer on the Law of Libels to Libels against the Law of Nations. (Holt on Libel, ch. iv. p. 86.) He says "That if it be incumbent on the Magistrate to restrain all such disorders of speech or writing, as have a tendency to disturb the peace of families and individuals, still more essential is it to repress such excesses, as might eventually lead to embroil nations, and thereby bring upon society that greatest of all evils, national war." He adds, "the law of nations is part of the municipal law of every State."

In the case of Peltier (which you, Messrs. Editors\* were the first to cite in reference to this subject,) Lord Ellenborough said "That every publication which had a tendency to promote public mischief, whether by causing irritation in the minds of the subjects of this realm, that may induce them to commit a breach of the public peace, or whether it may be more public or specific, and extending to the morals, the religion, or magistracy of the country, these were all cases of libel. But more particularly (his Lordship added) as in the present case, by defaming the persons and characters of magistrates, and others in high and eminent situations of power and dignity in other countries, inconsistent with amity and friendship, expressed in such terms, and such a manner, as to interrupt the friendly relations between the two countries. Every such publication is what the law calls a libel."

If among independent nations, unconnected by the strong ties of affinity, any publications calculated to provoke hostility or create disturbance between them, are punishable as libels, how much more obnoxious to punishment must such publications be, in States so intimately connected as those of the Union?

If the tendency to produce national hostility and war among independent nations, is considered as a sufficient ground for the suppression or punishment of publications, calculated to bring about so inauspicious a result, how much more reprehensible and deserving of punishment, must be all such discussions and appeals, as are calculated to disturb the harmony, if not inevitably to destroy the existence of our glorious Union?

If improper reflections upon the conduct of the eminent men and magistrates of a foreign country, are thought deserving of punishment upon the great principles of the law of nations, how much more deeply guilty must those be, how much severer should be their punishment, who *make the institutions of a sister State the constant sub-*

\* Editors of the Courier.

*ject of reproach and calumny; who designate its citizens as robbers and savages; and who do all that in them lies, to alienate whole communities from their attachment and devotion to our common government?*

Will it be said, that the principles we contend for are indeed applicable to the conduct of independent nations to each other, but do not apply in their full force to States confederated together like ours? What is this but to admit, that the Union is worse than useless to the slave-holding States, and to afford to them the strongest argument for its dissolution? If their most essential rights are to receive no security from the national guarantee, but in violation of its most express and solemn sanctions, are to be made the subjects of constant interference and visionary experiment, on the part of the non-slave-holding States and its citizens, are not the slave-holding States warranted, by every principle of justice and self preservation, in cutting asunder the gordian knot which only binds them for destruction?

We well know, that except upon the most solemn and explicit understanding, that the system of slavery, as it existed in each slave-holding State at the adoption of the Constitution, was left exclusively to the management of each and every such State for itself, without the interference of others, the present Union of the States would have been utterly impracticable. Is it not equally evident, that unless this great principle be faithfully observed, the days of our Union are already numbered; that the blood of the dying martyr, the wisdom of the philosopher and the sage, the cheering hope of the patriot and the philanthropist, will have raised but a momentary gleam of comfort and of glory, to cheat an admiring world, and to plunge us in more irremediable darkness, misery and death.

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#### No. 7.

We have endeavoured to shew, at some length, (with what success others must determine) the illegality of the schemes and operations of the abolitionists. We have shewn (we think) most conclusively, that they involve a wanton attack upon the rights and the interests of the Southern States—that they are a plain and palpable violation of the law of nations, and of the Constitution of the United States—that those abolitionists who can be proved to have sent into or circulated within the slave-holding States, their seditious pamphlets, are liable to punishment under the laws of those States; and that, looking to the libellous character of many of their publications, they are obnoxious to punishment as libellers, upon the principles of the com-

mon law, in the States in which they have printed and first given them publicity.

We have affirmed, and by argument and authority, undertaken to prove that it is the duty of those States, where abolition efforts are making, upon the principles of the law of nations, and peculiarly as members of this Confederacy under the Constitution of the United States, to suppress, by law, these unauthorized attacks upon the rights of the slave-holding States, these pregnant sources of danger to the harmony, if not to the existence of the Union.

Were these attacks upon the just rights of the South occasional only, or few; were the persons engaged in them small in number, here and there one, unconnected with each other in any general and concerted plan of operations, the enforcement of the existing laws against them might perhaps be found adequate to the suppression of the evil; but when, on the contrary, we see societies formed and forming throughout the Northern States, for the express purpose of effecting the immediate abolition of slavery; when we see the unblushing effrontery with which their illegal purposes are avowed; when we see the untiring efforts which are making to enlist the whole Northern community in the support of their principles and the furtherance of their designs; when we see the Southern States threatened with an increasing deluge of mischief from this quarter, and the safety and integrity of the Union put in imminent jeopardy, we are driven to the conclusion, that more vigorous measures and a severer legislation are wanting, to meet the emergency, than the present remedies afford.

That the non-slave-holding States are bound, upon every principle of justice and good faith, to restrain their citizens from invasions of the rights, or interference in the domestic policy of the Southern States, is a clear deduction from the principles of the law of nations, to which we have already referred. In order, however, to strengthen our views on this subject, (although we may be charged with unnecessary repetition) we cannot avoid introducing in this connexion, a passage from our favorite author, so apposite to the circumstances of the times, that it would almost seem to have been written for the occasion:

“But on the other hand, the nation or sovereign ought not to suffer the citizens to do an injury to the subjects of another State, much less to offend the State itself; and that not only because no sovereign ought to permit those who are under his command, to violate the precepts of the law of nations, which forbids all injuries; but also, because nations ought mutually to respect each other, to abstain from all offence, from all abuse, from all injury, and in a word, from any thing that may be of prejudice to others. If a Sovereign, who might keep his subjects within the rules

of justice and peace, suffers them to injure a foreign nation, either in its body or its members, he does no less an injury to that nation, than if he injured them himself. In short, the safety of the State and that of human society, requires this attention from every sovereign."—*Vattel's Law of Nations*, p. 222.

When we see that as between independent nations, unconnected by any other relations than such as subsist between all independent governments, every society is bound upon the acknowledged principles of the law of nations, "not to suffer its citizens to do an injury to the subjects of another state, much less to permit them to offend the state itself;" when we reflect upon the nature of our government, that though the States of the Union are associated together, for certain general purposes, yet that in all matters of internal policy, they are independent of each other, and that each has a right to enjoy, undisturbed, its own peculiar laws and institutions, however variant they may be from those of its Confederates; when we recur to the fact, that the present Union of the States was formed upon this fundamental basis, and that, except upon this foundation, it would have been, and must continue to be, impracticable; when we advert to the consideration that Slavery existed in many of the States long anterior to the Constitution, and at the time of its adoption, and that, in that solemn compact of Union between the States, the existence and legality of the system was not only recognized, but with the other sovereign rights of the States, reserved to each and guaranteed by all—we can scarcely suffer ourselves to doubt for a moment, that the non-slave-holding States, in so plain a case, bound by such high and solemn principles of justice and good faith, urged by so many, and such imperious considerations of policy and of duty, will promptly and effectually restrain, by such measures as they may deem adequate to the purpose, these ebullitions of a wild and reckless fanaticism—these lawless and unblushing efforts to break down the safe-guards of the Constitution—to prostrate at the foot of a blind enthusiasm, for theories and abstractions, the most sacred and inviolable rights, and trampling upon the national faith, to lead the march of anarchy and tumult into the bosom of the Republic. We call upon them to perform this high and solemn duty, not less due to themselves than to others. We call upon them to rescue the national honor and redeem their plighted faith.

In the names of our common ancestors, who shed their blood at Bunker's Hill and Fort Moultrie, at Saratoga and the Eutaws, by the glorious names which have adorned the pages of our common history, and shed lustre and renown upon our father land, by our WASHINGTON and PINCKNEY's, by our HANCOCK and our ADAMS', by our



LAURENS' and our RUTLEDGES, we invoke them to save the Constitution, and avert from our favored land the evils which surround, and the dangers which threaten to destroy us. Nor (I am assured) will the appeal be in vain. When were the *American people* addressed in the voice of reason, that they did not listen, or a claim upon their justice preferred without success? When has the Constitution been in danger, that they have not come to its rescue, or the calls of duty or of patriotism fallen upon unwilling ears? When has the spirit of '76 been invoked, that it has not come mantling upon every breeze, from the sea-board to the mountains, proclaiming in the voice that nerved our fathers' arms in the olden times, *the Union must be preserved.*

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## ADDENDA.

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The following extracts from the opinion of the Court of Appeals in this State, in the case of the State against Anderson, decided in 1833, and reported in Hill's Rep. 348, are given as containing strong, if not conclusive authority in support of some of the views taken in the preceding numbers.

"Regarding the relations between Georgia and South-Carolina, as that of sovereign, independent States, bound together only by the common ties and obligations which the laws of Nations impose, most of the writers agree that it was lawful to arrest the prisoner here for an offence committed in Georgia. Widely scattered and inconsistent as are the pursuits and interests of the different Nations of the earth, there is, in reason and morality, a common bond which unites the whole human family. \* \* \* \* \*

Vattel says, that a sovereign ought not to suffer his subjects to offend against the law of another State, and that it is his duty to oblige the guilty person to repair the wrong he has done, to inflict on him exemplary punishment, or if the circumstances required, to deliver him up to the injured State, and if this be true with respect to his own subjects, how much stronger does it hold in relation to the subjects of the offended State who flee from justice, and take refuge in his dominions. \* \* \* \* \*

"A question has been raised, whether the Constitution of the United States and the Act of Congress of 1793, have not as between the co-States, superseded and abrogated the Laws of Nations; and whether a fugitive from justice, from one State, can be lawfully arrested in another, without demand having been first made by the Executive of the State in which he is found. \* \* \* \* \*

"In the consideration of this question, it is not my purpose to enter into the exciting and much contested political question as to the nature, objects and extent of the relative obligations, which the Constitution imposes on the several States, composing the Union. For

the purpose of this case, it is wholly immaterial whether they are regarded as entirely sovereign and independent or consolidated into one Government, or as occupying any point between these extremes; provided the obligations which their bond of Union imposes, do not *enjoin upon them to do each other all the evil they can.*

“ If they stand in the relation of sovereign and independent States, then the laws of nations apply and justify the arrest, and must prevail, unless controlled by the provisions of the Constitution. Whether we regard the causes which gave rise to the Federal Constitution, its general tenor and import, its particular provisions, it is obvious that whatever may have been the relations existing between the States before, it was never intended to separate them *more widely than they would have been*, as independent States. On the contrary, its whole history shews that the object was, in the language of the Preamble, “ to form a more perfect union, establish justice, &c.” Between independent nations, war, the *ultima ratio* is the usual means of enforcing the obligations of the law of nations; and we have before seen, that harbouring fugitives from justice, is just cause of complaint by one nation or government against another. It was necessary to guard against this evil, and in this spirit this provision of the Constitution before referred to, and the Act of Congress of 1793, were doubtless framed—not with the intention of abrogating the laws of nations, but in this respect and in this extent, to make them imperative on the States and to supersede the necessity of resorting to the sword. In most cases the States are separated from each other by an imaginary line, and if passing one of these, the traitor or felon should find a sanctuary where no hand dare touch him which was not armed with executive authority, an age spent in pursuit can scarcely be regarded as a time within which it would reasonably be expected an offender could be brought to justice. There is certainly no express provision in the Constitution, which renders this formula imperative, nor could it ever have been intended by the framers of that instrument, to confer such an immunity on offenders against public justice.”















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